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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/750,346

12/31/2003

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5760-14700

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02/15/2007

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EXAMINER

ROSE, HELENE ROBERTA

ART UNIT

PAPER NUMBER

2163

MAIL DATE

DELIVERY MODE

02/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/750,346

Applicant(s)

NADEL ET AL.

Examiner

Helene Rose

Art Unit

2163

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 1/22/2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments have been considered but are not persuasive. Therefore, the rejection is maintained as set forth on the Final Office Action mailed out on 9/14/2006.

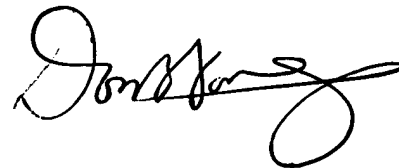
Applicant argues that prior art fails to teach or suggest a method comprising "tuning the problematic database object to improve performance access to the stored access data in the database server computer system".

Column 15, lines 42-43, wherein the monitor server receives notifications from the database through a communication channel, and wherein the notifications are interpreted to be equivalent to "reports and alerts that may identify one or more problematic database objects" that is defined within applicants specification located in paragraph [0039]. In which the database sends the notifications to the monitor server, which is interpreted to be equivalent to "tuning the problematic database objects".

Column 16, lines 8-10, wherein high efficiency is achieved by the method of invention wherein in part by minimizing system overhead, wherein "high efficiency" is interpreted to be equivalent to "high performance or improving performance", and wherein minimizing system overhead which is interpreted to be "tuning the problematic database object", wherein "overhead is interpreted to be the "use of computer resources for performing a specific feature, wherein for example while maintaining an audit trail might result in 10% overhead, meaning that the program will run 10% slower when the audit trail is turned on, which is equivalent to "performance problems", as defined in applicant specification, located in paragraph [0038].

Column 9, lines 25-44, wherein a partial view materialization path for a given attribute is created in advance of any request to monitor that attribute, wherein this is done during a "Create View", wherein the Create View procedure is a relatively high-overhead task which is ordinarily performed during creation of the database or if necessary at other times, preferably when the system is not otherwise busy, wherein the Create View procedure is begun by a user who instructs the system to create a view of an object and the system creates and optimizes a partial view materialization path for each attribute of the view and after completing any other tasks associated with creating the view the procedure ends, in which the partial path for a given attribute constitutes a minimum number of steps needed to access only that one attribute without materializing the entire view, and as defined in applicant specification in paragraph [0042], wherein tuning the problematic database may include "creating a new access path may include creating an index, partitioning a table, rebuilding a table" as defined in applicant specification in paragraph [0042].

Column 18, lines 57-62, wherein the view object concept data are stored persistently in a back end relational database system and so forth; and Column 20, lines 25-34, wherein client programs participate actively in the monitoring by issuing monitor requests that specify one or more of the four tuning parameters: change value, tracking delay time, synchronous initiation and nervousness, wherein the tuning makes it possible for the client to interact with the database only when necessary, and not less often than necessary, and wherein a large number of clients, located in different physical places and running on different computers, can access a very large database in a highly efficient manner, which is also interpreted to be equivalent to "tuning the problematic database object to improve performance access to the stored access data in the database server computer system", wherein once again the monitor server receives notifications from the database through a communication channel, and wherein notifications are interpreted to be equivalent to "reports and alerts that may identify one or more problematic database objects that is defined in applicants specification located in paragraph [0039], and where "problematic database objects can include according to applicants specification located in paragraph [0042], to be "creating a new access path, wherein creating a new access path may include creating an index, partitioning a table, rebuilding a table, and etc, which is interpreted to be equivalent to the "partial view materialization path" defined within column 9, lines 25-44 above, and wherein database objects according to applicant specification located in paragraph [0026], may comprise tables, indices, and other aggregation of data, which is interpreted to be equivalent to column 16, lines 44-53 and column 17, lines 1-20, which defines schema for parts database, which is interpreted to be the "table".



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